

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

**PCT**

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

<p>See Form PCT/ISA/220</p>		<p><b>WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY</b></p>			
<p>Applicant's or agent's file reference See Form PCT/ISA/220</p>		<p><b>FOR FURTHER ACTION</b> See paragraph 2 below</p>			
<p>International application No. PCT/EP2005/000328</p>	<p>International filing date (day/month/year) 26.02.2005</p>	<p>Priority date (day/month/year) 16.04.2004</p>			
<p>International Patent Classification (IPC) or both national classification and IPC B60S1/52</p>					
<p>Applicant REHAU AG + CO.</p>					
<p>1. This opinion contains indications relating to the following items:</p> <p> <input checked="" type="checkbox"/> Box No. I Basis of the opinion  <input type="checkbox"/> Box No. II Priority  <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  <input type="checkbox"/> Box No. IV Lack of unity of invention  <input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement  <input type="checkbox"/> Box No. VI Certain documents cited  <input type="checkbox"/> Box No. VII Certain defects in the international application  <input type="checkbox"/> Box No. VIII Certain observations on the international application         </p>					
<p><b>2. FURTHER ACTION</b></p> <p>If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"), except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p>					
<p>3. For further details, see notes to Form PCT/ISA/220.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> <p>Name and mailing address of International Searching Authority:</p> <p>European Patent Office D-80298 Munich Tel. +49 89 2399-0 Telex: 523656 epmu d Fax: +49 89 2399-4465</p> </td> <td style="width: 50%; padding: 5px;"> <p>Authorized officer</p> <p>Jazbec, S.</p> <p>Tel. +49 89 2399-6061</p> </td> </tr> </table>				<p>Name and mailing address of International Searching Authority:</p> <p>European Patent Office D-80298 Munich Tel. +49 89 2399-0 Telex: 523656 epmu d Fax: +49 89 2399-4465</p>	<p>Authorized officer</p> <p>Jazbec, S.</p> <p>Tel. +49 89 2399-6061</p>
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**Box No. I Basis of this opinion**

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1. With regard to **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise stated in this item.  
 The report is based on a translation from the original language into the following language, , which is the language of the translation furnished for the purposes of the international search (under Rules 12.3 and 23.1b))
2. With regard to the **nucleotide and/or amino acid sequence** disclosed in the international application and required for the claimed invention, the opinion has been prepared on the following basis:
  - a. Nature of material  
 Sequence protocol  
 Table(s) regarding sequence protocol
  - b. Form of material  
 in written form  
 in machine-readable form
  - c. Filing date  
 included in the filed international application  
 filed in machine-readable form along with the international application  
 filed with the authority subsequently for the purposes of the search
3.  If more than one version or copy of a sequence protocol and/or an associated table has been filed, then the required statements have also been submitted to the effect that the information in the subsequently filed or additional copies matches and does not go beyond the information in the application as filed.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International Application No.  
PCT/DE2005/000328

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty	Yes:	Claims	4, 6, 7, 8, 9
	No:	Claims	1, 2, 3, 5
Inventive step	Yes:	Claims	4, 7
	No:	Claims	1, 2, 3, 5, 6, 8, 9
Industrial applicability	Yes:	Claims	1-9
	No:	Claims	

2. Citations and explanations:

**See supplemental sheet**

**WRITTEN OPINION** International Application No.  
**OF THE INTERNATIONAL**  
**SEARCHING AUTHORITY (SUPPLEMENTAL SHEET)** PCT/DE2005/000328

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. The following documents (D) cited in the search report are mentioned in this opinion; the numbering will be maintained as the proceedings continue:

**D1: US-A-6050503**

**D2: FR-A-2677938**

**D3: JP-A-62175242**

**D4: EP-A-1106456**

- 1.1 The present application does not satisfy the requirements of Article 33(1) PCT, since the subject matter of **Claims 1-3 and 5** are not novel in the sense of Article 33(2) PCT.

2. **Claim 1:**

- 2.1 Document **D1** is considered to be the closest prior art to the subject matter of Claim 1. It discloses (the references in parentheses pertain to that document):

An adjustably mounted spray nozzle (Fig. 5c, Ref. No. 5) for windshield washer fluid of a motor vehicle (Abstract), wherein the spray nozzle (1) has a bearing axis (Figs. 5c and 5d, Ref. No. 9) by means of which it (1) can be attached to a vehicle (Figs. 5c, 5d, Ref. No. 3) in a manner that enables it to pivot about a y-axis of said vehicle (3),  
and the spray nozzle (1) is provided with an adjusting-means element (Figs. 5c, 5d, Ref. No. 11) for pivoting about its bearing axis (9),  
and the adjusting-means element (11, 15) is designed to cooperate with the adjusting-drive manipulator (Figs. 5c, 5d, Ref. Nos. 11, 14).

- 2.2 These features correspond to the features recited in Claim 1. The subject matter of **Claim 1** therefore is not novel (Article 33(2) PCT).

**WRITTEN OPINION**  
**OF THE INTERNATIONAL**  
**SEARCHING AUTHORITY (SUPPLEMENTAL SHEET)** PCT/DE2005/000328

International Application No.

2.3 It should also be taken into account that the subject matter of Claim 1 cannot be considered inventive over Document **D2** (Article 33(3) PCT), since the only difference between the spray nozzle disclosed in document **D2** and the claimed spray nozzle lies in the type of drive (manual vs. motor). However, it is obvious to one skilled in the art that the motor drive could be exchanged for a manual drive in the case concerned.

3 The subject matter of dependent **Claims 2, 3 and 5** is not novel, since the additional features are known from document **D1** (Article 33(2) PCT), i.e.:  
- for the subject matter of **Claim 2**, from **D1** (Fig. 5c, Ref. No. 11),  
- for the subject matter of **Claim 3**, from **D1** (Fig. 5c, Ref. Nos. 3, 9),  
- for the subject matter of **Claim 5**, from **D1** (Fig. 5c, Ref. No. 11).

3.1 It should further be taken into account that the subject matter of **Claims 2 and 3** also cannot be considered inventive over Documents **D2 and D4** (Article 33(3) PCT) (for Claim 2, see Section 2.3 of this opinion; for Claim 3, see Document **D4**, which discloses a spray nozzle in which the bearing axis is configured as a snap lock mechanism in the receiving element, Fig. 1, Ref. Nos. 10, 12, 20).

4 The subject matter of dependent **Claims 6, 8 and 9** does not seem to be based on an inventive step (Article 33(3) PCT), since it merely includes measures that are standard practice in the field of spray nozzles (see **D1-D4**), and are suggested by:  
- for the subject matter of **Claim 6** (merely a standard type of drive),  
- for the subject matter of **Claim 8** (**D2**, Figs. 1, 2, 3, Ref. Nos. 14, 20, 24, 30, 56),  
- for the subject matter of **Claim 9** (**D4**, Fig. 1, Ref. Nos. 10, 12, 20).

**WRITTEN OPINION**  
**OF THE INTERNATIONAL**  
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International Application No.